



# AGENDA REPORT

Department: City Manager's Office  
Prepared by: Tony Winney, Assistant City Manager  
Meeting Date: June 7, 2022  
Approved by: Brad Raulston, City Manager

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## **SUBJECT:**

Adoption of Resolutions Ordering the Submission of a Ballot Measure to the qualified voters of the City of National City at the Statewide Gubernatorial Municipal Election to be held on November 8, 2022, to make the Office of City Clerk Appointive.

## **RECOMMENDATION:**

On May 17, 2022 per City Council provided direction to staff was for the City Manager to draft a Resolution to place a measure on the November 8, 2022, ballot regarding the Office of the City Clerk as an appointed position. The measure would place the question on the Statewide Gubernatorial Municipal Election Ballot wherein voters would be asked to decide, "Shall the Office of City Clerk be Appointive?" "Yes" or "No".

If the City Council chooses to direct staff to pursue a ballot measure to make the City Clerk an appointed position, the ballot question and the full text of the proposed ballot measure are included in Exhibit A to Attachment 1.

Staff seeks City Council direction on the adoption of resolutions providing the submission of a Ballot Measure to the Voters to make the Office of the City Clerk Appointive, Directing the Preparation of an Impartial Analysis and Establishing Procedures for Ballot Arguments, and Introduce an Ordinance Amending NCMC to be adopted only following a successful Election.

- Attachment 1 - Resolution Calling for the Holding of a General Municipal Election for the purpose of submission of a ballot measure to the voters to make the Office of the City Clerk Appointive including Exhibit A: Proposed Ballot Measure
- Attachment 2 - Proposed Ordinance: Amending Sections of National City Municipal Code relating to the City Clerk's position, if it becomes Appointive following the Certification of Election Results
- Attachment 3 - Proposed Ordinance: Amending National City Municipal Code Section 2.73 relating to the City Clerk's and City Treasurer's position, if both become Appointive following the Certification of Election Results.

**BOARD/COMMISSION PRIOR ACTION:** None.

## **STATEMENT ON SUBJECT:**

### ***History of the Elected City Clerk Position and Supporting Staff***

Since incorporation in September 17, 1887, the City Clerk position has been an elected position, although not always a ceremonial only. Beginning in 1997, the City Council took action considering and defining the position of the elected City Clerk, taking into consideration certain changes and compensation levels to establish duties of those in the elected position versus staff positions in the Office of the City Clerk. At that time the City Clerk position became a part-time

ceremonial position similar to that of the City Treasurer with non-mandated duties and responsibilities. A new position of Records Manager/Deputy City Clerk was created to manage the day-to-day responsibilities of the Office of the City Clerk. Creating a salaried position which would be filled by the Elected City Clerk making that person an elected official and member of staff.

On March 13, 2001, the positions returned to City Council bifurcating the statutory duties of the full-time Elected City Clerk with those of the to-be created position of Records Management Officer. To hold both positions, the elected incumbent would be required to meet both sets of qualifications and be appointed to the Records Management Officer position. Otherwise, another individual meeting the necessary qualifications would be appointed. Since the time of bifurcation, the position was held simultaneously by the same incumbent until the retirement of the Elected City Clerk/Records Management Officer in 2020.

On June 16, 2020, Resolution No. 2020-125, was adopted once again separating the City Clerk and Records Manager positions, with the City Clerk position reverting to a part-time ceremonial position. The Records Manager position to be delegated to a new Deputy City Clerk position. The full-time Deputy City Clerk position is responsible for the day-to-day operations of the Office of the City Clerk including acting as City Clerk in the absence of the Elected City Clerk. This position is a member of the Management Employee Group and requires knowledge and experience in the field as well as licensed as a Notary Public and earning Credentials as a Certified Municipal Clerk by the International Institute of Municipal Clerks within one year of employment. The current Deputy City Clerk qualifies with over 22 years City Clerk's Office experience, possesses a Bachelor's Degree, and in addition has received the Master Municipal Clerk credentials including over 800 hours of training.

Under State Law, there are three qualifications for the position of an elected City Clerk:

- A resident of the City
- Registered to Vote in the City
- At least 18 years old

With the duties, responsibilities, and requirements of a City Clerk changing significantly over the past 4 decades including the Ralph M. Brown Act (1953), The Public Records Act (1968), The Political Reform Act (1974), and The Maddy Act (1991), have required the position of City Clerk to be more responsible and therefore, more liable to the City for duties conducted during the regular course of business.

### ***City Clerk Duties and Responsibilities***

The basic, historic duties of the City Clerk are set forth in California Government Code 40801 through 40814.

These duties include:

- Keeping an accurate record of the proceeding of the Legislative Body
- Recording, publishing and certifying City Ordinances
- Keeping custody of the City Seal
- Administering Oaths or Affirmations and taking and certifying affidavits and depositions relating to City affairs and business for use in court or administrative proceedings.

In addition to these basic historic duties, the Legislature has assigned even greater and more complex responsibilities to the City Clerk over the years:

- The City Clerk is the Elections Official for the City and interacts with the Registrar of Voters Office during all local elections to assure compliance with all Election Laws and Regulations.
- The City Clerk is responsible for ensuring compliance with the Ralph M. Brown Act, the State's Open Meeting Law, regarding the conduct of City business and responses to public inquiries.
- The City Clerk is the official responsible under the Political Reform Act for coordinating, recording and retaining the statements of economic interests of all elected and appointed officials and staff, and for collecting and maintaining all candidate campaign finance forms.

As the legal responsibilities and professional expertise required to fulfill the duties of the position have continued to increase, most elected City Clerks in California have been replaced by appointed professional staff with appropriate training and experience who typically perform both City Clerk and other City staff duties.

### ***Area Cities Comparison***

Out of the eighteen (18) San Diego County Cities, fifteen (15) have an appointed City Clerk. The three (3) Cities currently retaining elected City Clerk positions are Oceanside, National City (Measure currently on the June ballot) and National City.

Of the 482 cities in California, 383 now have appointed City Clerks. The percentage of Elected City Clerks has continued to decline as the trend has been to move to an appointed position. Additionally, the San Diego County Clerk of the Board of Supervisors, and the San Diego County Registrar of Voters are also appointed officials that serve in the same capacity as that of a City Clerk.

### ***Converting the Role to an Appointed Position***

Government Code Section 36509 provides authority to the City Council to place the question of whether the City Clerk should be an appointed position on the ballot. As a General Law City under the Council-Manager form of government, the City Council would confer the City Manager with authority to appoint the City Clerk position similar to other employees. If the measure is successful, an Ordinance would provide the City Manager with the appointing authority and making related amendments to the City of National City Municipal Code would take effect upon a successful election certification.

The current term of the City Clerk position ends in November 2024. City Clerk Molina would remain in that position until the end of term, unless she chose to resign the seat prior to the end of the term.

### ***Considerations of an Appointive Position***

The City Clerk's role has become increasingly more technical, demanding certain skills, training and experience. Converting the elected role to an appointed position allows cities to set qualification criteria for the appointed position, requiring applicants to demonstrate the requisite skills, such as Certified Municipal Clerk certification by the International Institute of Municipal Clerks (IIMC). This helps ensure that the decision-making process is transparent to the public and complies with federal, state, and local regulations and ensures records and actions are properly recorded in an impartial manner.

### ***Ballot Measure Process***

If the City Council chooses to direct staff to pursue a ballot measure to make the City Clerk an appointed position, the ballot question and the full text of the proposed ballot measure are included in Exhibit A to Attachment 1.

The State Elections Code states the City Council can designate members of City Council to write the ballot argument in favor and another member write against the measure, if they choose. Since up to five (5) people may be signatories to the argument, the City Council may also designate that the argument against can include other signatories.

If City Council designates themselves to write the in favor and against arguments, and multiple people submit arguments, the only ones to be published are the City Councils' For and/or Against Arguments. If Councilmembers on either side fail to submit arguments on time, then other submittals would be published based on the statutory priority list. Arguments in Favor and/or Against a Measure may be no more than 300 words.

Through the Ordinance Calling the Election, the City Council is allowing for Rebuttal Arguments, which would be prepared by the original authors unless they authorize in writing another person or persons to prepare, submit, or sign the rebuttal arguments (Elections Code Section 9285). Rebuttal Arguments are limited to a maximum of 250 words.

The Office of the City Clerk is authorized to set the time for submittals of Arguments in Favor and/or Against the Measure and Rebuttals. The Office of the City Clerk has declared Friday, July 1, 2022 by noon as the deadline to submit Arguments in Favor of and/or Against the Measure to the City Clerk's Office. Additionally, all Rebuttal Arguments must be submitted by Monday, July 11, 2022 by noon to the City Clerk's Office.

### ***Ballot Measure Timeline***

<b><i>DUE DATE</i></b>	<b><i>REQUIREMENT</i></b>
Wednesday, June 22 (noon)	City Attorney's Impartial Analysis is due to the City Clerk's Office not to exceed 500 words in length.
Friday, July 1 (noon)	Public Examination Period for Impartial Analysis
Wednesday, June 22 – Friday, July 1 (noon)	Arguments in Favor of/or Against the Ballot Measure are due to the City Clerk's Office not to exceed 300 words in length.
Wednesday, July 6	Ballot text due to the Registrar of Voters
Monday, July 11 (noon)	Public Examination Period for Arguments
Monday, July 11 (noon)	Rebuttal Arguments are Due to the City Clerk's Office not to exceed 250 words in length
Thursday, July 21 (noon)	Public Examination Period for Rebuttal Arguments

Staff recommends that, if the City Council directs staff to pursue a Ballot Measure and the voters approve it, the City Council vest the City Manager with the appointment authority for the position. To accomplish this, the City Council would need to introduce and subsequently adopt the Ordinance proposed in Attachment 2. Although the Ordinance would not go into effect unless the voters approved the Ballot Measure, having the Ordinance in place beforehand will streamline the appointment process if the Ballot Measure is approved.

If the City Council directs staff to pursue a Ballot Measure, staff will file the Resolution with the San Diego County Board of Supervisors and Registrar of Voters and request that the measure be added to the Tuesday, November 8, 2022, Statewide Gubernatorial Municipal Election ballot.

In addition, staff will publish notice of the measure on the City's website and in the following newspapers of general circulation authorized to publish legal notices:

- The Star News
- El Latino
- The Filipino Press
- The Epoch Times
- Nguoi Viet Today

**FINANCIAL STATEMENT:**

Fiscal Impact, the elimination of the position would save the City \$30,836 a year. The base salary is \$11,028 annually, along with benefits, training, memberships and supplies. No additional employee would be hired if the ballot measure is passed, the work would continue to be completed by the current staff.

The Registrar of Voters has estimated the cost to include the Ballot Measure in the November 2022 Election to be \$25,000 - \$45,000. This ballot measure was not a planned expenditure in the fiscal year 2022-2023 budget. If a ballot measure is pursued, staff recommends that the City Council approve an appropriation of up to \$55,000 from the General Fund to cover the Registrar of Voters cost and required legal publications and translations.

If the Ballot Measure is successful, the cost savings of the City Clerk position, including salary and benefits is approximately \$31,000 per year.

**ENVIRONMENTAL REVIEW:**

This action is not subject to review under the California Environmental Quality Act (CEQA)

**PUBLIC NOTIFICATION:**

Agenda Report posted within 72 hours of meeting date and time in accordance with Brown Act.

**ORDINANCE:** Amending Sections of National City Municipal Code relating to the City Clerk's position, if it becomes Appointive following the Certification of Election Results.

**EXHIBITS:**

- Attachment 1 - Resolution Calling for the Holding of a General Municipal Election for the purpose of submission of a ballot measure to the voters to make the Office of the City Clerk Appointive including Exhibit A: Proposed Ballot Measure
- Attachment 2 - Proposed Ordinance: Amending Sections of National City Municipal Code relating to the City Clerk's position, if it becomes Appointive following the Certification of Election Results
- Attachment 3 - Proposed Ordinance Amending National City Municipal Code Section 2.73 relating to the City Clerk's and City Treasurer's position, if both become Appointive following the Certification of Election Results.

**RESOLUTION NO. 2022 –**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, PROVIDING NOTICE OF AND CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION, FOR THE PURPOSE OF SUBMISSION OF A BALLOT MEASURE TO THE VOTERS TO MAKE THE OFFICE OF THE CITY CLERK APPOINTIVE, REQUESTING THE SAN DIEGO COUNTY BOARD OF SUPERVISORS TO CONSOLIDATE THE MUNICIPAL ELECTION WITH THE STATEWIDE GUBERNATORIAL MUNICIPAL ELECTION ON TUESDAY, NOVEMBER 8, 2022, AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES**

**WHEREAS**, under the provisions of the laws relating to General Law Cities in the State of California, a General Municipal Election shall be held on Tuesday, November 8, 2022, for the purpose of submission of a ballot measure to the voters to make the Office of the City Clerk Appointive.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

Section 1. That pursuant to the requirements of the Laws of the State of California relating to General Law Cities, there is called and ordered to be held in the City of National City, California, on Tuesday, November 8, 2022, a General Municipal Election for the Election of Municipal Officers for the full term of four years; and

Section 2. That the City Council, pursuant to its right and authority, does order submitted to the voters at the General Municipal Election the following question:

Shall the Office of City Clerk be Appointive?	Yes
	No

Section 3. The City Council hereby proposes the ordinance attached as Exhibit A to make the Office of City Clerk appointive.

Section 4. That the vote requirement for the measure to pass is a majority (50% +1) of the votes cast.

Section 5. That the ballots to be used at the election shall be in form and content as required by law.

Section 6. That the City Clerk is authorized, instructed and directed to coordinate with the County of San Diego Registrar of Voters to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

Section 7. Pursuant to Elections Code § 9280, the City Council hereby directs the City Clerk to transmit a copy of the ordinance as set forth herein to the City Attorney. The City Attorney shall prepare an impartial analysis of the measure, not to exceed 500 words in length, showing the effect of the measure on the existing law and the operation of the measure, and transmit such impartial analysis to the City Clerk within ten days (10) following the adoption of this Resolution.

Section 8. Pursuant to Elections Code §§ 9282(b) and 9285(b), the City Council authorizes the Mayor or the Mayor's designee to draft the arguments in favor of the measure and any related rebuttals.

Section 9. The City of National City recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any costs.

Section 10. That the polls for the election shall be open at seven o'clock (7:00) a.m. of the day of the election and shall remain open continuously from that time until eight o'clock (8:00) p.m. of the same day when the polls shall be closed, pursuant to Elections Code § 10242, except as provided in § 14401 of the Elections Code of the State of California.

Section 11. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

Section 12. That notice of the time and place of holding the election is hereby given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

Section 13. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

Section 14. That the Deputy City Clerk is directed to file a certified copy of this resolution and its attachments with the Board of Supervisors and the Registrar of Voters in the time and manner required by law.

Section 15. Pursuant to Elections Code § 9295, this measure will be available for public examination for no fewer than ten (10) days prior to being submitted for printing in the voter information guide. The City Clerk shall post a notice in the City Clerk's office of the specific dates that the examination period will run.

**PASSED, and ADOPTED** this 7th day of June, 2022.

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Alejandra Sotelo-Solis, Mayor

**ATTEST:**

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Luz Molina, City Clerk

**APPROVED AS TO FORM:**

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Charles E. Bell Jr., City Attorney

## Exhibit A

Shall the Office of City Clerk be Appointive?	Yes
	No

### Full Text of Ballot Measure

**AN ORDINANCE OF THE QUALIFIED ELECTORS OF THE CITY OF NATIONAL CITY,  
CALIFORNIA,  
MAKING THE OFFICE OF CITY CLERK APPOINTIVE**

The people of the City of National City, California, do ordain as follows:

- SECTION 1.** The Office of the City Clerk shall be appointive as authorized by California Government Code Section 36508.
- SECTION 2.** This Ordinance shall take effect as provided in California Elections Code Section 9217.
- SECTION 3.** The City Clerk's Office shall publish this ordinance according to law.



## ORDINANCE NO. 2022-

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA,  
AMENDING VARIOUS SECTIONS OF AND ADDING A SECTION TO THE NATIONAL CITY  
MUNICIPAL CODE REGARDING THE POSITION OF CITY CLERK TO TAKE EFFECT ONLY  
IF THE VOTERS AT THE MUNICIPAL ELECTION ON NOVEMBER 8, 2022 APPROVE  
MAKING THE OFFICE OF CITY CLERK APPOINTIVE**

**WHEREAS**, the City Council has placed a measure on the November 8, 2022, Statewide Gubernatorial Municipal Election ballot asking the voters to make the Office of City Clerk Appointive; and

**WHEREAS**, if a majority of the voters approve making the Office of City Clerk Appointive, certain sections of the National City Municipal Code will no longer apply or will require amendment; and

**WHEREAS**, as permitted by California Government Code Sections 34856 and 36510, the City Council wishes to vest the City Manager with the authority to appoint the City Clerk if the voters approve making the Office of City Clerk Appointive; and

**WHEREAS**, the City Council wishes to have the necessary amendments to the Municipal Code adopted and ready to become immediately effective should the voters approve making the Office of City Clerk Appointive so there is no delay in implementing the will of the voters.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

**Section 1:** The above recitations are true and correct.

**Section 2:** National City Municipal Code Section 2.73 Term Limits for Elected City Offices. Delete references to elected official City Clerk.

**Section 3:** Add Section 2.03 City Clerk

## **2.03 – CITY CLERK**

### **2.03.010 Purpose and Authority**

The City Clerk is established as one of the statutory officers specified by State Law for General Law Cities. The City Clerk shall be appointed by the City Manager solely on the basis of executive and administrative qualifications, and shall hold office during the pleasure of the City Manager.

- A. In accordance with California Government Code Sections 34856 and 36510, authority is given to the City Manager to appoint and supervise the City Clerk.
- B. The City Clerk shall have all of the responsibilities, duties and functions as specified by State Law and this Code, in addition to any other duties or functions as the City Manager may, from time to time, prescribe.

**Section 4.** **Severability.** If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity

or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council of the City of National City hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivision, paragraph, sentences, clauses, or phrases be declared unconstitutional or invalid or ineffective.

**Section 5. Conflict.** All Ordinances and parts of Ordinance in conflict herewith are repealed insofar as such conflict may exist.

**Section 6. Effective Date.** If the ballot measure to make the Office of City Clerk Appointive is approved by the voters in the Municipal Election on November 8, 2022, this Ordinance shall become effective immediately upon the effective date of the ballot measure, as provided in California Elections Code Section 9217. If the ballot measure is not approved by the voters, this Ordinance shall be automatically repealed and of no further force and effect. The City Clerk's Office shall certify the adoption of this Ordinance and cause the full text of the Ordinance or a summary of the Ordinance prepared by the City Attorney to be published at least once in a newspaper of general circulation in the City of National City within fifteen days after its adoption.

**INTRODUCED** by the City Council on June 7, 2022.

**PASSED and ADOPTED** this \_\_\_\_ day of December, 2022.

\_\_\_\_\_  
Alejandra Sotelo-Solis, Mayor

**ATTEST:**

\_\_\_\_\_  
Luz Molina, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Charles E. Bell Jr.  
City Attorney

**REDLINE VERSION**

**Chapter 2.73 - TERM LIMITS FOR ELECTED CITY OFFICES**

**2.73.010 - Limits on consecutive terms of office for other elected officials in the city.**

No person shall be eligible for nomination and election to serve in the offices of members of the city council, ~~city clerk~~ and city treasurer for more than three consecutive terms in the same elected office, and no person who has held the office of member of the city council, ~~city clerk~~ or city treasurer for three consecutive terms may again seek nomination and election to that same elected office until one election cycle following the termination of the third term in that same elected office has elapsed. This limitation on terms shall not apply to any unexpired term to which a person is elected or appointed to fill a vacancy in the offices of members of the city council, ~~city clerk~~ or city treasurer, if the remainder of the term is less than one-half of the full term of office.

This section shall apply prospectively to full terms of office commencing after the June 5, 2018 statewide primary election.

(Ord. No. 2018-2450A, § 3, 7-17-2018)

**2.73.020 - Lifetime limits terms of office for all elected officials in the city.**

A. No person shall be eligible for nomination and election to serve in any elective city office, which shall include the offices of mayor, members of the city council, ~~city clerk~~ and city treasurer, for more than six terms in all elected offices combined. This limitation on terms shall not apply to any unexpired term to which a person is elected or appointed to fill a vacancy in any elective city office, if the remainder of the term is less than one-half of the full term of office.

B. This section shall apply prospectively to full terms of office commencing after the June 5, 2018 statewide primary election.

(Ord. No. 2018-2450A, § 3, 7-17-2018)

## **Chapter 2.03 – CITY CLERK**

### **2.03.010 Purpose and Authority**

The City Clerk is established as one of the statutory officers specified by State Law for General Law Cities. The City Clerk shall be appointed by the City Manager solely on the basis of executive and administrative qualifications, and shall hold office during the pleasure of the City Manager.

- A. In accordance with California Government Code Sections 34856 and 36510, authority is given to the City Manager to appoint and supervise the City Clerk.
- B. The City Clerk shall have all of the responsibilities, duties and functions as specified by State Law and this Code, in addition to any other duties or functions as the City Manager may, from time to time, prescribe.

## **Chapter 2.73 - TERM LIMITS FOR ELECTED CITY OFFICES**

### **2.73.010 - Limits on consecutive terms of office for other elected officials in the city.**

No person shall be eligible for nomination and election to serve in the offices of members of the city council and city treasurer for more than three consecutive terms in the same elected office, and no person who has held the office of member of the city council, or city treasurer for three consecutive terms may again seek nomination and election to that same elected office until one election cycle following the termination of the third term in that same elected office has elapsed. This limitation on terms shall not apply to any unexpired term to which a person is elected or appointed to fill a vacancy in the offices of members of the city council or city treasurer, if the remainder of the term is less than one-half of the full term of office.

This section shall apply prospectively to full terms of office commencing after the June 5, 2018 statewide primary election.

(Ord. No. 2018-2450A, § 3, 7-17-2018)

### **2.73.020 - Lifetime limits terms of office for all elected officials in the city.**

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B. This section shall apply prospectively to full terms of office commencing after the June 5, 2018 statewide primary election.

(Ord. No. 2018-2450A, § 3, 7-17-2018)

**ORDINANCE NO. 2022-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, AMENDING SECTION 2.73 OF THE NATIONAL CITY MUNICIPAL CODE REGARDING THE POSITIONS OF CITY CLERK AND CITY TREASURER TO TAKE EFFECT ONLY IF THE VOTERS AT THE MUNICIPAL ELECTION ON NOVEMBER 8, 2022 APPROVE BOTH MEASURES**

**WHEREAS**, the City Council has placed measures on the November 8, 2022, Statewide Gubernatorial Municipal Election ballot asking the voters to make the Offices of City Clerk and City Treasurer appointive; and

**WHEREAS**, if a majority of the voters approve making the Offices of City Clerk and City Treasurer appointive, certain sections of the National City Municipal Code will no longer apply or will require amendment; and

**WHEREAS**, if both City Measures placed on the ballot making the City Clerk and City Treasurer positions appointive are passed by a majority of the voters the National City Municipal Code Section 2.73 will delete references to both City Clerk and City Treasurer.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

**Section 1:** The above recitations are true and correct.

**Section 2:** Section 2 of Ordinance No. 2022-\_\_\_\_ shall no longer take effect.

**Section 3:** Section 2 of Ordinance No. 2022- \_\_\_\_ shall no longer take effect.

**Section 4:** National City Municipal Code Section 2.73 Term Limits for Elected City Offices is amended to delete references to elected official City Clerk and City Treasurer, as reflected in Exhibit \_\_\_\_.

**Section 5.** Severability. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council of the City of National City hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivision, paragraph, sentences, clauses, or phrases be declared unconstitutional or invalid or ineffective.

**Section 6.** Conflict. All Ordinances and parts of Ordinance in conflict herewith are repealed insofar as such conflict may exist.

**Section 7.** Effective Date. This ordinance shall only take effect if the ballot measures to make the Office of City Clerk and the Office of City Treasurer appointive are approved by the voters in the Municipal Election on November 8, 2022. If either ballot measure is not approved by the

voters, this Ordinance shall be automatically repealed and of no further force and effect. The City Clerk's Office shall certify the adoption of this Ordinance and cause the full text of the Ordinance or a summary of the Ordinance prepared by the City Attorney to be published at least once in a newspaper of general circulation in the City of National City within fifteen days after its adoption.

**INTRODUCED** by the City Council on June 7, 2022.

**PASSED and ADOPTED** this \_\_\_\_ day of December, 2022.

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Alejandra Sotelo-Solis, Mayor

**ATTEST:**

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Luz Molina, City Clerk

**APPROVED AS TO FORM:**

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Charles E. Bell Jr.  
City Attorney